

# **Attachment A**

## **Plan Approval to Master Conditional Use Permit (CUB)**

### **Case No. ZA-2013-1856 (MCUP)**

**AVA Little Tokyo “A” and “B” Buildings**  
220 E. 2<sup>nd</sup> Street and 236 S. Los Angeles Street  
Los Angeles, CA 90012

#### **Project Overview/Request:**

The Applicant, 7-Eleven, is seeking a Plan Approval to Case No. ZA 2013-1856 (MCUP), pursuant to Los Angeles Municipal Code (LAMC) Section 12.24M, to allow for the establishment and operation of a convenience store with off-sale beer and wine open 24-hours daily within a portion of ground-floor Retail Shell “A” (Unit 1) in Building “A” of the existing AVA Little Tokyo mixed-use development project approved under Vesting Tentative Tract Map 63480-M5.

#### **Background:**

On November 15, 2013, Zoning Administrator R. Nicholas Brown, approved Case No. ZA 2013-1856 (MCUP) and ENV 2013-1857-MND authorizing the sale and dispensing for consideration a full line of alcoholic beverages for on-site consumption in four (4) restaurants and for on-site and/or off-site consumption in a fifth (5<sup>th</sup>) venue to be either a market, restaurant and/or specialty shop in the [Q] C2-4D Zone Classification.

The five (5) establishments are located on the ground floor of the Avalon Bay Community known as AVA Little Tokyo, which consists of two (2) mixed-use buildings (“A” and “B”). Collectively, the four (4) approved restaurants and fifth (5) venue approved for either a market, restaurant and/or specialty shop occupy approximately 17,085 square feet, with frontage on Los Angeles Street and 2<sup>nd</sup> Street. A total of seventeen (17) parking spaces are required for the five (5) establishments<sup>1</sup>, which are provided within a ground floor and basement-level parking garage.

Building “A” is located at the southeast corner of 2<sup>nd</sup> Street and Los Angeles Street. The building contains 104 residential units and approximately 13,988 square feet of ground floor retail space with frontage on 2<sup>nd</sup> Street and Los Angeles Street. Parking is provided in a 3-level parking garage within the building footprint and provides fifteen (15) stalls at ground level for the retail uses. The ground floor parking garage in Building “B” provides forty (40) additional parking stalls for retail and public use.

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<sup>1</sup> Pursuant to conditions of approval no. 12.b. of VTTM 63480, parking is provided at 1 stall per 1,000 square feet of commercial floor area.

On July 3, 2014, Zoning Administrator R. Nicholas Brown, issued a subsequent Letter of Correction to include Building “B”, Retail Unit 1 approved as a restaurant with on-site sale of a full line of alcoholic beverages or beer and wine on account that it was inadvertently excluded from Condition No. 9 of the original Determination Letter.

Table 1 below is a translation of the Building and Retail Shells included in the floor plan marked Exhibit “A” submitted by Avalon Bay Communities as part of approved case no. ZA 2013-1856 (MCUP) and the Zoning Administrator’s citations in the Determination Letter. Also included in Table 1 below is a summary of how the retail shells have subsequently been divided along with the existing and anticipated future tenant occupancy.

**Table 1:**

<b>Address Bldg/Suite No.</b>	<b>Approved Floor Area</b>	<b>Approved Use</b>	<b>Existing / Future Use</b>	<b>Floor Area</b>
220 E. 2nd Street Building A Retail Shell A / Unit 1	5,258 SF (633 SF Outdoor Patio)	Restaurant with on-site sale of full line of alcoholic beverages or beer and wine	Existing Angelo's Barbershop  <u>Proposed 7-Eleven convenience store with off-sale beer and wine and 24-hrs of operation</u>	827 SF  4,087 SF
220 E. 2nd Street Building A Retail Shell B / Unit 2	3,557 SF (780 SF Outdoor Patio)	Restaurant with on-site sale of full line of alcoholic beverages or beer and wine	Innovative Creation dba Kasih Indonesian restaurant with on-sale beer and wine	3,557 SF
220 E. 2nd Street Building A Retail Shell D / Unit 4	1,579 SF	Market, Restaurant, and/or Specialty Shop with on-site and/or off-site sale of full line of alcoholic beverages or beer and wine	Combined with Retail Shell "C" for a total 3,073 SF and is slated for a future fitness center - "The Sweat Shoppe"	3,073 SF
220 E. 2nd Street Building A Retail Shell E / Unit 5	1,761 SF	Restaurant with on-site sale of full line of alcoholic beverages or beer and wine	Letter of Intent issued for future fitness use. SF in space increase due to relocation of demising wall	2,100 SF

236 S. Los Angeles Street Building B Retail Shell F / Unit 1	4,930 SF (1,259 SF Outdoor Seating)	Restaurant with on-site sale of full line of alcoholic beverages or beer and wine	Seoul Sausage Co. restaurant with on-site beer and wine	2,085 SF
			Little Tokyo Veterinary Clinic	2,490 SF

## Condition Compliance:

### Condition 1:

*All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required*

#### Proof:

A Certificate of Occupancy was issued on 8/04/2015 for Building “A” consisting of a 161,638-square foot, five-story, 104-unit residential apartment building over one-story commercial/retail and two basement levels of parking.<sup>2</sup> In addition, all subsequent construction activity has been permitted and where required, ABC licenses have been obtained by the restaurant uses engaged in the sale of alcoholic beverages.

### Condition 2:

*The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.*

#### Proof:

The use and development of the property is in substantial conformance with the plot plan approved under Case No. ZA 2013-1856 (MCUP) and marked Exhibit “A”. The originally approved plot plans are attached and made a part of this Plan Approval application along with the revised plot plans illustrating the current space configurations, tenant occupancy and the proposed 7-Eleven convenience store.

Building “A” – Retail Shell “A” (Unit 1) was originally approved as a restaurant with a maximum 5,258 square feet of floor area and a private outdoor patio not to exceed 633 square feet with the sale of a full line of alcoholic beverages or beer and wine for on-site consumption. The space has since been divided to create an 827-square foot barber shop “Angelo’s Barber Shop” along with a common area corridor for access to the retail trash area and parking garage.<sup>3</sup> The remaining 4,087 square feet of Retail Shell “A”

<sup>2</sup> Permit no. 12010-10000-01294

<sup>3</sup> Permit no. 15016-20000-22664

(Unit 1) is currently vacant and is the space that 7-Eleven is seeking to occupy for the purpose of operating a convenience store with off-sale beer and wine and open 24-hours daily.

Building “A” – Retail Shell “B” (Unit 2) was originally approved as a restaurant with a maximum 3,557 square feet of floor area and a private outdoor patio not to exceed 780 square feet with the sale of a full line of alcoholic beverages or beer and wine for on-site consumption. At the time of this Plan Approval application filing, the space is currently under construction for an Indonesian restaurant “Kasih”<sup>4</sup> which includes the on-site sale of beer and wine under ABC Type 47 license number 576811.

Building “A” – Retail Shell “D” (Unit 4) was originally approved as a market, restaurant, and/or specialty shop with a maximum 1,579 square feet of floor area and the sale and dispensing for on-site or off-site consumption a full line of alcoholic beverages including beer and wine. A portion of the space has been combined with Retail Shell “C” to create a larger 3,073 square foot area for a future fitness center, “Sweat Shoppe”, offering various heated exercises including bikram yoga and stationary cycling.

Building “A” – Retail Shell “E” (Unit 5) was originally approved as a restaurant with a maximum 1,761 square feet of floor area and the sale of a full line of alcoholic beverages or beer and wine for on-site consumption. This space is currently vacant and now includes a portion of the square footage of Retail Shell “D” (Unit 4). The demising wall shown on the original plot plan was relocated further north. The space is now 2,100 square feet in size and is currently being considered by another fitness use tenant.

Building “B” – Retail Shell “F” (Unit 1) was originally approved as a restaurant with a maximum 4,930 square feet of floor area and a private outdoor patio not to exceed 1,259 square feet with the sale of a full line of alcoholic beverages or beer and wine for on-site consumption. The space has since been divided to create a 2,140-square foot restaurant “Seoul Sausage Co.”<sup>5</sup> with a 580 square foot outdoor eating area including the on-site sale of beer and wine under ABC Type 47 license number 549883. The remainder of the space includes a 355-square foot common corridor and a 2,490 square foot Little Tokyo Veterinary Clinic.

### **Condition 3:**

*The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.*

### **Proof:**

All existing ground-floor retail establishments authorized by case no. ZA 2013-1856 (MCUP) are operating with due regard for the character of the surrounding district. The Applicant, 7-Eleven, is a well-respected national corporation and will also operate its convenience store with due regard for the surrounding area and will fully comply with all applicable conditions of approval associated with the original Determination Letter and any additional conditions of approval that may be imposed as part of the Plan Approval process.

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<sup>4</sup> Permit no. 17016-10000-03073

<sup>5</sup> Permit no. 15016-10000-01536

**Condition 4:**

*All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.*

**Proof:**

The subject property is presently free of any graffiti. The Applicant, 7-Eleven, is a well-respected national corporation with stores that are operated professionally. 7-Eleven will fully comply with condition no. 4.

**Condition 5:**

*A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.*

**Proof:**

A Certificate of Occupancy was issued on 8/04/2015 for Building “A” consisting of a 161,638-square foot, five-story, 104-unit residential apartment building over one-story commercial/retail and two basement levels of parking.<sup>6</sup> Insofar as condition no. 5 was a pre-requisite to building plan-check approval and permit issuance, it is reasonable to conclude that the condition has been met.

**Condition 6:**

*The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.*

**Proof:**

The statute of limitations to challenge the land use determination, Case No. ZA 2013-1856(MCUP), and the CEQA Mitigated Negative Declaration, ENV-2103-1857-MND, has expired. The Applicant, 7-Eleven, will also agree to this condition to the extent that it applies to their Plan Approval application.

**Condition 7:**

*Within 45 days or mutually agreed upon time, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall*

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<sup>6</sup> Permit no. 12010-10000-01294

*be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.*

**Proof:**

A Certificate of Occupancy was issued on 8/04/2015 for the multi-story mix-use building and the ground-floor retail space 7-Eleven is seeking to occupy.<sup>7</sup> Insofar as condition no. 7 was a pre-requisite to building plan-check approval and permit issuance, it is reasonable to conclude that the condition has been met. A copy of the recorded Master Covenant Agreement is also included as an attachment the Plan Approval application submitted on behalf the Applicant, 7-Eleven, Inc.

**Condition 8:**

*The property owner or individual operator shall file a Plan Approval pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use Permit herein authorized for each unit. The Plan Approval application shall be accompanied by the payment of appropriate fees and must be accepted as complete by the Planning Department. Mailing labels shall be provided by the applicant for all abutting owners, for the Council Office, the Neighborhood Council and for the Los Angeles Police Department. A public hearing shall be conducted.*

*The purpose of the Plan Approval procedure is to review each proposed venue in greater detail and tailor specific conditions for each premise including but not limited to hours of operation, seating capacity, size, security, the length of a term grant and/or any requirement for a subsequent Approval of Plans application to evaluate compliance and effectiveness of the conditions of approval. Conditions herein shall be incorporated into each Plan Approval unless in the opinion of the decision-maker the applicant has justified otherwise.*

**Proof:**

The Applicant, 7-Eleven, has submitted for the City's consideration a Plan Approval application and Expedite Agreement for the purpose of establishing and operating a convenience store with off-sale beer and wine open 24 hours daily within a 4,087-square foot portion of Retail Shell "A" (Unit 1) in Building "A" of the of the AVA Little Tokyo mix-use development.

**Condition 9:**

*Authorization. Approved herein is the sale of a full line of alcoholic beverages or beer and wine for each of the following units identified below:*

*a. Restaurant - Building A, Unit No. 1:*

- 1) The square footage shall not exceed 5,258 square feet.*
- 2) The private outdoor patio shall not exceed 633 square feet.*

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<sup>7</sup> Permit no. 12010-10000-01294

- 3) *No outdoor seating area within the public right-of-way has been requested or approved herein.*
- 4) *Occupancy inside the restaurant shall not exceed the maximum determined by the Fire Department and outdoor patio shall not exceed the maximum determined by Department of Building and Safety, or as determined by subsequent Approval of Plans.*

*b. Restaurant- Building A, Unit No. 2*

- 1) *The square footage shall not exceed 3,557 square feet.*
- 2) *The private outdoor patio shall not exceed 780 square feet.*
- 3) *No outdoor seating area within the public right-of-way has been requested or approved herein.*
- 4) *Occupancy inside the restaurant shall not exceed the maximum determined by the Fire Department and outdoor patio shall not exceed the maximum determined by Department of Building and Safety, or as determined by subsequent Approval of Plans.*

*c. Market, Restaurant, and/or Specialty Shop -Building A, Unit No. 4*

- 1) *The sale and dispensing for on-site and/or off-site consumption.*
- 2) *The square footage shall not exceed 1,579 square feet.*
- 3) *No outdoor seating has been requested or approved herein.*
- 4) *Occupancy shall not exceed the maximum determined by the Fire Department or as determined by subsequent Approval of Plans.*

*d. Restaurant - Building A, Unit No. 5*

- 1) *The square footage shall not exceed 1,761 square feet.*
- 2) *No outdoor seating has been requested or approved herein.*
- 3) *Occupancy inside the restaurant shall not exceed the maximum Building and Safety, or as determined by subsequent Approval of Plans.*

*e. Restaurant - Building B, Unit No. 1<sup>8</sup>*

- 1) *The square footage shall not exceed 4,930 square feet.*

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<sup>8</sup> Amended by Letter of Correction dated July 3, 2014

- 2) *The private outdoor patio shall not exceed 1,259 square feet.*
- 3) *No outdoor seating area within the public right-of-way has been requested or approved herein*
- 4) *Occupancy inside the restaurant shall not exceed the maximum determined by the Fire Department and outdoor patio shall not exceed the maximum determined by Department of Building and Safety, or as determined by subsequent Approval of Plans.*

**Proof:**

Please see response to condition no. 2

**Condition 10:**

*Complaint Response/Community Relations (Management Company or individual tenants)*

- a. *Monitoring of complaints. The property owner/operator shall coordinate with the local division of the Los Angeles Police Department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility and to ensure security of the property.*
- b. *Complaint monitoring. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be: at the entry.*
  - 1) *Mailed to abutting property owners and tenants.*
  - 2) *Provided to the Office of Zoning Administration, schools, Certified Neighborhood Council, and local neighborhood homeowner/renter associations, if any.*
- c. *Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator at any future Approval of Plans Review.*
- d. *Response to complaints shall be within 24 hours.*

**Proof:**

The Applicant, 7-Eleven, Inc. will comply with condition no. 10 by coordinated with the Los Angeles Police Department regarding the appropriate monitoring of community complaints concerning activities associated with the proposed convenience store and by providing a 24-hour "hot line" phone number for the receipt of complaints from the community. Said "24-hour" hotline number will be posted at the entrance to the convenience store, mailed to abutting property owners and tenants and provided to the Office of Zoning Administration, schools, Certified Neighborhood Council and local neighborhood homeowner/renter associations if any. The Applicant further agrees to keep a log of complaints in the format required and to respond to such complaints within 24 hours.



**Condition 11:**

*Entertainment/Other Services.*

- a. No video games shall be available on the subject property.*
- b. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70 without proper approval.*
- c. There shall be no live entertainment of any time including but not limited to live music, movies, piano bar, or Karaoke nights without proper Police Commission Approval. The Office of Zoning Administration shall be informed in writing, if such is approved.*

**Proof:**

There are no video games or adult entertainment or live entertainment of any kind on the subject property. The proposed 7-Eleven convenience store will also fully comply with this condition.

**Condition 12:**

*Environmental Mitigation. Comply with the environmental mitigation measures of Negative Declaration No. 2013-1857-MND, attached (complete copy of mitigation measures in Environmental Case file). Pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that any mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.*

**Proof:**

Listed below are the mitigation measures of Negative Declaration No. 2013-1857-MND followed by the Applicant's proof of compliance:

*1-100. Aesthetics (Signage)*

- Environmental impacts may result from project implementation due to on-site signage in excess of that allowed under the Los Angeles Municipal Code Section 91.6205. However, the potential impact will be mitigated to a less than significant level by the following measures:*
- On-site signs shall be limited to the maximum allowable under the Municipal Code.*
- Multiple temporary signs in store windows and along building walls are not permitted.*

Proof: Signage for the Applicant, 7-Eleven, Inc., will fully comply with the applicable sections of the LAMC.

*1-120. Aesthetics (Light)*

- *Environmental impacts to the adjacent residential properties may result due to excessive illumination on the project site. However, the potential impacts will be mitigated to a less than significant level by the following measure:*
- *Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.*

Proof: The applicant, 7-Eleven, Inc., is not proposing any outdoor lighting.

*VII-10. Green House Gas Emissions*

- *The project will result in impacts resulting in increased green house gas emissions. However, the impact can be reduced to a less than significant level through compliance with the following measure(s):*
- *Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.*

Proof: The Applicant, 7-Eleven, Inc., will utilize only low and non-VOC-containing paints, sealants, adhesives, and solvents in its tenant improvements of its leased space within Building “A” – Retail Shell “A” (Unit 1) and will demonstrate compliance at the time of Building Permit plan-check submittal.

*XII-50. Increased Noise Levels (Retail Markets, Bars, Entertainment etc...)*

- *Environmental impacts to adjacent residential properties may result from project implementation due to noise from the proposed project's activities and parking on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures:*
- *No window openings shall be permitted along the residential sides of the building.*
- *The proposed facility shall incorporate noise-attenuating features (physical as well as operational) designed by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.*

Proof: A Certificate of Occupancy was issued on 8/04/2015 for Building “A” consisting of a 161,638-square foot, five-story, 104-unit residential apartment building over one-story commercial/retail and two basement levels of parking. It is the Applicant’s understanding that compliance with this mitigation measure would have been verified by the Building plan check engineer as a pre-requisite to permit issuance and final. There are also no window openings along the residential sides of Building “A” and the Applicant is not proposing to make any changes to the building’s exterior.

*XII-60. Increased Noise Levels (Mixed-Use Development)*

- *Environmental impacts to proposed on-site residential uses from noises generated by proposed on-site commercial uses may result from project implementation. However, the potential impact will be mitigated to a less than significant level by the following measure:*
- *Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.*

Proof: A Certificate of Occupancy was issued on 8/04/2015 for Building “A” consisting of a 161,638-square foot, five-story, 104-unit residential apartment building over one-story commercial/retail and two basement levels of parking. It is the Applicant’s understanding that compliance with this mitigation measure would have been verified by the Building plan check engineer as a pre-requisite to permit issuance and final.

#### XIV-30. *Public Services (Police)*

- *Environmental impacts may result from project implementation due to the location of the project in an area having marginal police services. However, this potential impact will be mitigated to a less than significant level by the following measure:*
- *The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.*

Proof: A Certificate of Occupancy was issued on 8/04/2015 for Building “A” consisting of a 161,638-square foot, five-story, 104-unit residential apartment building over one-story commercial/retail and two basement levels of parking. It is the Applicant’s understanding that compliance with this mitigation measure would have been verified by the Building plan check engineer as a pre-requisite to permit issuance and final.

#### XVII-60. *Utilities (Local Water Supplies - Restaurant, Bar, or Nightclub)*

- *Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:*

- *Install/retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.*
- *Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.*
- *Install/retrofit and utilize only restroom faucets of a self-closing design.*
- *Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.*

**Proof:** The Applicant, 7-Eleven, Inc., will comply with mitigation measure XVII-60 by installing the required water-saving fixtures as part of its tenant improvements of its leased space within Building “A” – Retail Shell “A” (Unit 1) and will demonstrate compliance at the time of Building Permit plan-check submittal.

### **Condition 13:**

*Maintenance: The subject property, including any associated parking facilities and abutting streets, sidewalks and alleys, shall be maintained in a neat and attractive condition at all times and shall be kept free of trash and debris on a daily basis.*

### **Proof:**

Current photos and a field visit of the subject property will reveal that it is being maintained in accordance with condition 13.

### **Condition 14:**

*Noise.*

- Regulating noise shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,571, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.*
- Outdoor public-address systems and loudspeakers are prohibited. Any phonograph, radio or other electric equipment used shall be sufficiently modulated so as not to be disturbing to neighbors residing in the immediate vicinity.*

### **Proof:**

The existing development and ground-floor retail uses fully comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,571 insofar as there are no objectionable, loud, unnecessary and unusual noise being created by any of the existing ground-floor retail uses. There are also no outdoor

public-address systems, loudspeakers, phonographs, radio or other amplifying electric equipment in use by any of the existing tenants.

The proposed 7-Eleven convenience store will also fully comply with this condition of approval.

**Condition 15:**

*Use and Consumption of Alcoholic Beverages.*

- a. *Advise. The Applicant is advised that the subject permit is a land use permit, not a license for sale of alcohol. The conditions and requirements of this permit apply to the subject facility. The conditions shall be complied with in addition to any conditions or requirements imposed by the Department of Alcoholic Beverage Control, Los Angeles Police Department, or any other licensing or permit agency. Noncompliance with the subject conditions could result in revocation of the subject use permit. Any change of conditions or change in the mode or character of the authorized use requires approval of the Zoning Administrator.*
- b. *Training. Within 90 days or mutually agreed upon time of the utilizing rights authorized for each venue pursuant to Approval of Plans, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff.*

**Proof:**

- a. The Applicant, 7-Elven, Inc., is aware that previously approved Case No. ZA 2013-1856 (MCUP) and the Plan Approval are land use permits and not a license and will apply with the California Department of Alcoholic Beverage Control (ABC) for an off-sale Type 20 license.
- b. The Applicant is also familiar with STAR training. All 7-Eleven store managers and employees involved with the sale of alcoholic beverages will comply with the STAR training requirement within 90 days of the utilizing rights authorized by the MCUP and Plan Approval.

**Condition 17:**

*Security. (Management Company or individual tenants)*

- a. *A security plan shall be submitted to the Los Angeles Police Department and Office of Zoning Administration at the time of submittal of the Approval of Plans for the first tenant that utilizes this authorization.*
- b. *Each tenant space subject the Master Conditional Use Permit shall have a video camera security/security system with the ability to record a one-month video library.*

- c. *The surrounding area shall be illuminated in order to make easily discernible the appearance and conduct of all persons on or about the property.*
- d. *All lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to shine directly onto any adjacent property. This condition shall not preclude the installation of low-level security lighting.*
- e. *Loitering. The property owner shall be responsible for discouraging loitering on and around the subject property.*
- f. *No security guards are required unless determined necessary in subsequent Approval of Plans.*

**Proof:**

On July 23, 2015, Kristen Gordon of the Planning Department's Condition Compliance Unit posted a note to the file associated with Case no ZA 2013-1856(MCUP) verifying compliance with condition no. 17a regarding the security plan requirements. A copy of the Note to File is attached and made a part of this Plan Approval application.

The Applicant will also install its own video camera security system with the ability to record a one-month video library.

**Condition 18:**

*Parking. (Management Company or tenants) Any valet parking, if provided shall comply with the Valet Parking Operator and Attendant Parking Attendant program.*

**Proof:**

Valet parking is not provided for any of the retail establishments located on the subject property.

**Condition 19:**

*The market/specialty shop, if provided, shall comply with the On-site Shopping Cart Containment requirements (Section 12.21-F of the Los Angeles Municipal Code).*

**Proof:**

Retail shell "D" in building "A" (Unit 4) measuring 1,579 square feet is the one retail space that was approved as a market, restaurant and/or specialty shop including on-site or off-site sales of alcoholic beverages. This retail space has been combined with retail shell "C" to create one larger space measuring 3,073 square feet and is slated for a future fitness center called "The Sweat Shoppe". There are currently no market or specialty shops occupying any of the ground-floor retail spaces.

The Applicant, 7-Eleven, Inc., is seeking Plan Approval to occupy a portion of retail shell "A" (unit 1) in Building "A" to construct and operate a convenience store with off-sale beer and wine and 24-hours

of operation. 7-Eleven does not offer its customers the use of shopping carts. Therefore, the Applicant will be in full compliance with condition no. 19 nineteen.

**Condition 20:**

*A copy of these conditions shall be maintained on the premises at all times; the managers shall be made aware of the conditions and shall inform employees of same.*

**Proof:**

The applicant, 7-Eleven, Inc. will maintain a copy of the conditions approval included in the Determination Letter for Case no. ZA 2013-1856(MCUP) as well as a copy of any additional conditions of approval included in the Plan Approval determination and will ensure that the on-site store managers are made aware of the conditions and that all employees are informed of the same.

**Condition 21:**

*Any further expansion of the herein authorized conditional use exception involving the subject restaurant or the creation of a new establishment within the grantee's ownership used in connection with the selling or serving of alcoholic beverages shall only be permitted after the filing of approval of the proper application for this purpose.*

**Proof:**

Acknowledged. The Applicant, 7-Eleven, is seeking a Plan Approval to Case No. ZA 2013-1856 (MCUP), pursuant to Los Angeles Municipal Code (LAMC) Section 12.24M, to allow for the establishment and operation of a convenience store with off-sale beer and wine open 24-hour daily within a portion of ground-floor Retail Shell "A" (Unit 1) in Building "A" of the existing AVA Little Tokyo mixed-use development project approved under Vesting Tentative Tract Map 63480-M5.

**Findings - General Conditional Use:**

- i. *That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.*

**Response:**

In November of 2013, Avalon Bay Communities, Inc., obtained approval of a Master Conditional Use Permit case no. ZA 2013-1856 (MCUP) pursuant to Section 12.24-W,1 of the Los Angeles Municipal Code for on-site sale and dispensing of a full line of alcoholic beverages within four (4) restaurant establishments and on-site or off-site sale and dispensing of a full line of alcoholic beverages within a "retail or restaurant" (i.e., market, restaurant, specialty shop or combination thereof) establishment.

Avalon Bay Communities, Inc., also obtained approval for a mixed-use development to develop four lots, nine airspace lots, 750 dwelling units, and 49 commercial condominiums totaling 49,995 square feet of commercial floor area. The five (5) establishments previously approved under case no. ZA 2013-1856 (MCUP) are located on the ground floor in Buildings “A” and “B” of the mixed-use project. Collectively, the four (4) proposed restaurants and the one (1) retail establishment consist of approximately 17,085 square feet.

The proposed 7-Eleven convenience store with off-sale beer and wine open 24-hours daily will be a convenience for patrons by allowing one-stop shopping. The subject site is located near many multi-family residential developments and a convenience store will give these residents easy access to daily staples and other items. Support for this is found in the Community Plan Policy 2-2.3 that is intended to “support the growth of neighborhoods with small, local retail services. In addition, accessibility of a full-line of alcoholic beverages is a convenience many consumers seek from the markets they patronize. Lastly, the convenience of one-stop shopping and purchasing of alcoholic beverages may decrease the number of vehicle trips made to other locations.

- ii. *That the project’s location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.*

**Response:**

The Determination Letter issued for case no. ZA 2013-1856 (MCUP) established that the project site is located within the Little Tokyo community of Downtown Los Angeles and is located on a city block that is developed with similar mixed-use buildings, which feature restaurants and retail spaces on the ground floor and residential units above. Ground level retail provides goods and services to the residential units in the immediate vicinity, as well as for the local workers and tourists in the area, creates an active street level, and encourages pedestrian activity in the neighborhood. Use of the ground floor for neighborhood serving commercial and restaurants will create continuity with the adjacent developments and help create a neighborhood identity for this area of the District. The provision for on-site maintenance and security as well as the volunteered, operational conditions will ensure the proposed uses will not have a detrimental impact on the surrounding neighborhood."

The Zoning Administrator also established that the vast majority of activities on the site will not involve the sale of alcoholic beverages. Thus, alcoholic beverages will only be incidental in the restaurants and the majority of the products and services sold in the retail establishment may be unrelated to alcohol. The proposed restaurants will vary in ambiance and are anticipated to offer a wide range of cuisines and a full line of non-alcoholic beverages as well. Since the establishments will be part of a first-class dining or shopping experience with incidental service of alcoholic beverages, these establishments will not take on the problematic characteristics of a tavern, bar, or nightclub or attract undesirable elements to the neighborhood.

The proposed 7-Eleven convenience store upholds this finding insofar as it too will contribute towards a positive shopping experience by offering a wide array of beverages, convenience foods



and fresh foods including daily-prepared sandwiches and bakery, salads, vegetables and fruit cups, bananas, oranges, apples and lemons, pizza, chicken wings and tenders, taquitos and hot dogs, as well as a healthy choice snack section with a minimal amount of shelf-space dedicated to beer and wine.

- iii. *That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.*

**Response:**

The Determination Letter issued for case no. ZA 2013-1856 (MCUP) established that the property is designated by the Central City Community Plan for Regional Commercial uses, with corresponding zones of CR, C1.5, C2, C4, CS, R3, R4, RS, RAS3, and RAS4 and Height District 3D and 4D, with D limitation to 6:1 FAR, except for transfer of floor area up to 10:1 or 13.1, respectively.

The General Plan promotes the provision of services throughout the City in locations that are convenient to the public, but that do not negatively impact neighboring properties. Community Plans, as stated on page 11-2 in the adopted Community Plan "are intended to promote an arrangement of land uses, streets, and services which will encourage and contribute to health, safety, welfare and convenience of the people who live and work in the community." Generally, the Community Plan is also intended to guide development in order to create a healthful and pleasant environment. Further, the Community Plan is intended to coordinate development among the various parts of the City of Los Angeles and adjacent municipalities in a fashion both beneficial and desirable to the residents of the community.

The land uses previously approved under case no. ZA 2013-1856 (MCUP) are in conformance with the objectives of the Community Plan for Commercial Land Uses. Specifically, Objective 2-2 seeks to "retain the existing retail base in Central City". In support of this objective, Policy 2-2.3 is to "support the growth of neighborhoods with small, local retail services". Further, Objective 2-4 is "to encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism". In support of this objective, Policy 2-4.1 is to "promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity".

The Zoning Administrator saw it fit to approve the retail uses listed in condition no. 9 in order to promote neighborhood serving commercial amenities as well as encourage restaurant uses creating an "active, 24-hour environment", which is consistent with the intent and provisions of the Community Plan.

The proposed 7-Eleven convenience store implements and utilizes the "market" approved for on-site and/or off-site sale of a full line of alcoholic beverages including beer and wine in Building "A" – Retail Shell "D" (Unit 4) with the exception that it will be located within a different Retail Shell/Unit in the same building.

## **Additional Findings:**

- i. *Explain how the approval of the application will not result in, or contribute to an undue concentration of such establishments.*

### **Response:**

The Zoning Administrator's Determination Letter for Case No. ZA 2013-1856(MCUP) established that the Census Tract No. 2062.00, corresponding to the subject property, is over-concentrated as defined by Section 23958.4 of the Alcoholic Beverage Control Act insofar as the number of on-site and off-site establishments exceed the number allocated to the census tract<sup>9</sup> and the crime level is substantially higher than the City average<sup>10</sup>. However, the Zoning Administrator also noted the following:

- Licenses within 1,000 feet are predominately within restaurants, not bars, liquor stores, or nightclubs.
- None of the licenses are for establishments on Los Angeles Street between 2nd and 3rd Street<sup>11</sup> or on 2nd Street between Los Angeles and San Pedro Street. The only establishment holding a license on the entire block is a small eatery oriented to San Pedro Street. A concentration of licenses is in the already established area of Little Tokyo, not in the subject location, which is on the edge.
- Project contributes to the active environment desired for the Little Tokyo area and does not constitute an undue concentration. Restaurants, bars, markets/specialty shops are intended to be concentrated in the area in order to attract visitors to Little Tokyo and serve the needs of local residents and workers.

Furthermore, Los Angeles Police Department (LAPD) attended the public hearing and was not in opposition. LAPD asked to review a security plan and intends to monitor subsequent requests pursuant to the Approval of Plans process and licensing by the Department of Alcoholic Beverage Control so to recommend conditions specific to the tenant.

The Zoning Administrator further opined that by imposing conditions, there is no undue concentration in this area. Also, having establishments governed by conditions has been shown to be successful throughout the City in protecting surrounding areas in part because it creates a competitive factor that crowd out other less desirable establishments.

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<sup>9</sup> Existing 79 on-site licenses out of 3 allocated and 7 off-site licenses out of 2 allocated

<sup>10</sup> Crime Reporting District No. 138, which has jurisdiction over the subject property, a total of 230 crimes were reported in 2012, compared to the citywide average of 146 crimes and the high crime reporting district average of 176 crimes for the same period.

<sup>11</sup> With the exception of Seoul Sausage located in Building "B" operating under Type 47 license no. 549883 and Kasih restaurant located in Building "A" operating under Type 47 license no. 576811 approved as a result of Case no. ZA 2013-1856 (MCUP).

The proposed 7-Eleven convenience store implements and utilizes the “market” approved for on-site and/or off-site sale of a full line of alcoholic beverages including beer and wine in Building “A” – Retail Shell “D” (Unit 4) with the exception that it will be located within a different retail shell/unit in the same building.

- ii. *Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.*

**Response:**

The Zoning Administrator’s Determination Letter for Case no. ZA 2013-1856(MCUP) established that the project site is located at the corner of Los Angeles Street and 2nd Street and that the following sensitive uses were observed within a 1,000-foot radius of the subject property:

- Los Angeles Public Library Little Tokyo Branch - 203 South Los Angeles Street
- Downtown Women's Center - 325 South Los Angeles Street
- Higashi Honganji Buddhist Temple - 505 East 3rd Street
- Jodo Shu North America Buddhist Mission - 442 East 3rd Street
- Union Church of Los Angeles - 401 East 3rd Street
- Koyasan Buddhist Temple - 342 East 1st Street
- Saint Vibiana's Cathedral - 214 South Main Street

The Zoning Administrator’s Determination Letter also established the following:

Generally, the block is comprised of multi-story residential buildings with ground floor retail and a multi-story commercial building with ground floor retail. Residential developments on the block are designed with retail services and amenities. The proposed ground level retail is intended to create an active streetscape and provide services to the immediate residents, local workers and visitors to the area.

Prior discretionary approvals were intended to promote the proposed restaurants and market/specialty shop. Development of restaurants and other neighborhood serving uses will benefit residential uses in the immediate vicinity and will be within walking distance.

The proximity of sensitive uses means the restaurants and retail use must operate in a responsible manner so as to avoid adversely affecting others. In the instant case, several conditions create a framework for additional conditions specific to future tenants. Collectively, conditions of all approvals will ensure the uses would not have a detrimental impact to the community and will further the City's goal to ensure that the establishments don't require additional resources of Los Angeles Police Department to monitor and enforce.

In conclusion, it is not foreseeable that upon authorizing this Master Conditional Use Permit and subsequent approvals pursuant to the Approval of Plans there would be detrimental effects on nearby sensitive uses.

The Applicant, 7-Eleven, is seeking a Plan Approval to Case No. ZA 2013-1856 (MCUP), pursuant to Los Angeles Municipal Code (LAMC) Section 12.24M, for which favorable findings supporting a “market” use with off-site sales of alcoholic beverages have already been approved.